

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

FAWWAZ GHABRA,

v.

**PALISADES COLLECTION LLC,
FBCS, INC. and SYNERGETIC
COMMUNICATION, INC.**

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NO. 1:21-CV-03599-WFK-VMS

JURY TRIAL DEMANDED

**DEFENDANT FBCS INC.'S ANSWER AND AFFIRMATIVE DEFENSES TO
PLAINTIFF'S FIRST AMENDED COMPLAINT**

Defendant, FBCS, Inc. ("Answering Defendant"), by and through its undersigned counsel, answers the First Amended Complaint ("Amended Complaint") of Plaintiff, Fawwaz Ghabra ("Plaintiff"), and states as follows:

Introductory Paragraph

Denied. Plaintiff's introductory paragraph in his Amended Complaint is not numbered. To the extent that the introductory paragraph contains any allegations, Answering Defendant denies these allegations as they call for a legal conclusion to which no response is required.

JURISDICTION AND VENUE

1. Denied. The allegations in this Paragraph, if any, are denied as they call for a legal conclusion to which no response is required.

2. Denied. The allegations in this Paragraph, if any, are denied as they call for a legal conclusion to which no response is required.

PARTIES

3. Denied. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

4. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

5. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant denies the allegations in this Paragraph as they call for a legal conclusion to which no response is required.

6. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

7. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant states that the terms of the Certificate of Default speak for themselves. (Doc. 16).

8. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

9. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same. Further, the terms of Exhibit Y speak for themselves.

10. Denied. The allegations in this Paragraph, if any, are denied as they call for a legal conclusion to which no response is required.

11. Admitted in part; denied in part. Answering Defendant admits that in certain instances, it may be considered a "debt collector" as that term is defined by 15 U.S.C. § 1692a(6). However, Answering Defendant lacks sufficient knowledge to admit or deny the allegation that it is a "debt collector" in the present case, and further states that this allegation calls for a legal conclusion regarding the definition of the cited statute. Therefore, Answering Defendant denies the same for the present time and demands strict proof thereof.

12. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

13. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

14. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is

without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Complaint, and therefore denies the same. Further, the terms of Exhibit AA speak for themselves.

15. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

16. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

17. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

18. Denied. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same. Further, the allegations in this Paragraph, if any are denied as they call for a legal conclusion to which no response is required.

19. Denied. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same. Further, the allegations in this Paragraph, if any are denied as they call for a legal conclusion to which no response is required.

STATEMENT OF FACTS

20. Denied. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

21. Denied. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

22. Denied. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

23. Denied. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

24. Denied. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

25. Denied. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same. Further, the allegations in this Paragraph, if any are denied as they call for a legal conclusion to which no response is required. The terms of Exhibit B of Plaintiff's Amended Complaint speak for themselves.

26. Denied. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

27. Denied. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same. Further, the terms of Exhibit C of Plaintiff's Amended Complaint speak for themselves.

28. Denied. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same. Further, the terms of Exhibit D speak for themselves.

29. Denied. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

30. Denied. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

31. Denied. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same. Further, the terms of Exhibit E speak for themselves.

32. Denied. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same. The Department of Consumers Affairs Records

attached to Plaintiff's Amended Complaint as Exhibit F is a document the terms of which speak for themselves.

33. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant denies the allegations in this paragraph. The Hunter Complaint attached to Plaintiff's Amended Complaint as Exhibit G is a document the terms of which speak for themselves.

34. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

35. Denied. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same. The Hawker default judgment attached to Plaintiff's Amended Complaint as Exhibit H is a document the terms of which speak for themselves.

36. Denied. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same. Further, the allegations in this Paragraph, if any are denied as they call for a legal conclusion to which no response is required.

37. Denied. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

38. Denied. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended

Complaint, and therefore denies the same. The terms of any communications between Answering Defendant and Plaintiff speak for themselves and Answering Defendant denies any and all such characterization of them.

39. Denied. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same. Further, the allegations in this Paragraph, if any are denied as they call for a legal conclusion to which no response is required. The terms of any communications between Answering Defendant and Plaintiff speak for themselves and Answering Defendant denies any and all such characterization of them.

40. Denied. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same. Further, the allegations in this Paragraph, if any are denied as they call for a legal conclusion to which no response is required. The terms of any communications between Answering Defendant and Plaintiff speak for themselves and Answering Defendant denies any and all such characterization of them.

41. Denied. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same. Further, the allegations in this Paragraph, if any are denied as they call for a legal conclusion to which no response is required. The terms of any communications between Answering Defendant and Plaintiff speak for themselves and Answering Defendant denies any and all such characterization of them.

42. Denied. The allegations in this Paragraph, if any are denied as they call for a legal conclusion to which no response is required. The letter attached to Plaintiff's Amended Complaint as Exhibit I is a document the terms of which speak for themselves.

43. Denied. The allegations in this Paragraph, if any are denied as they call for a legal conclusion to which no response is required.

44. Denied. The allegations in this Paragraph, if any are denied as they call for a legal conclusion to which no response is required. The letter attached to Plaintiff's Amended Complaint as Exhibit I is a document the terms of which speak for themselves.

45. Denied. The allegations in this Paragraph, if any are denied as they call for a legal conclusion to which no response is required.

46. Denied. The allegations in this Paragraph, if any are denied as they call for a legal conclusion to which no response is required. The letter and documents attached to Plaintiff's Amended Complaint as Exhibit J are documents the terms of which speak for themselves.

47. Denied. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same. Further, the allegations in this Paragraph, if any are denied as they call for a legal conclusion to which no response is required.

48. Denied. The allegations in this Paragraph, if any are denied as they call for a legal conclusion to which no response is required. The letter and documents attached to Plaintiff's Complaint as Exhibit J are documents the terms of which speak for themselves.

49. Denied. The allegations in this Paragraph, if any are denied as they call for a legal conclusion to which no response is required. The letter attached to Plaintiff's Amended Complaint as Exhibit K is a document the terms of which speak for themselves.

50. Denied. The allegations in this Paragraph, if any are denied as they call for a legal conclusion to which no response is required.

51. Denied. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same. Further, the allegations in this Paragraph, if any are denied as they call for a legal conclusion to which no response is required. The documents attached to Plaintiff's Amended Complaint as Exhibits L and M are documents the terms of which speak for themselves.

52. Denied. The documents attached to Plaintiff's Amended Complaint as Exhibits L, M, N, and O are documents the terms of which speak for themselves.

53. Denied. The documents attached to Plaintiff's Amended Complaint as Exhibit M are documents the terms of which speak for themselves.

54. Denied. The allegations directed to Answering Defendant in this Paragraph, if any, are denied as they call for a legal conclusion to which no response is required. The remaining allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

55. Denied. The allegations directed to Answering Defendant in this Paragraph, if any, are denied as they call for a legal conclusion to which no response is required. The remaining allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information

sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

56. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

57. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same. Synergetic's letter attached to Plaintiff's Amended Complaint as Exhibit P is a document the terms of which speak for themselves.

58. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same. Synergetic's letter attached to Plaintiff's Amended Complaint as Exhibit P is a document the terms of which speak for themselves.

59. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, the allegations in this Paragraph, if any are denied as they call for a legal conclusion to which no response is required

60. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is

without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same. Further, the terms of Exhibit BB to Plaintiff's Amended Complaint speak for themselves.

61. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

62. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same. The letters attached to Plaintiff's Amended Complaint as Exhibits Q and R are documents the terms of which speak for themselves.

63. Denied. The allegations in this Paragraph, if any are denied as they call for a legal conclusion to which no response is required.

64. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

65. Denied. The allegations in this Paragraph, if any are denied as they call for a legal conclusion to which no response is required.

66. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is

without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

67. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

68. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same. The letter attached to Plaintiff's Amended Complaint as Exhibit T is a document the terms of which speak for themselves.

69. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

70. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

71. Denied. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended

Complaint, and therefore denies the same. The Order to Show Cause attached to Plaintiff's Amended Complaint as Exhibit U is a document the terms of which speak for themselves.

72. Denied. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

73. Denied. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

74. Denied. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

75. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same. Further, the terms of Exhibit DD speak for themselves.

76. Denied. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same. Further, the terms of Exhibit DD speak for themselves.

77. Denied. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

78. Denied. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

79. Denied. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

80. Denied. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

81. Denied. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

82. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

83. Denied. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

84. Denied. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

85. Denied. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

86. Denied. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

87. Denied. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

88. Denied. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

89. Denied. Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

90. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

91. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

92. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

93. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

94. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

95. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

96. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same. The terms of Exhibit V to Plaintiff's Amended Complaint speak for themselves.

97. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is

without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same. The terms of Exhibit V to Plaintiff's Amended Complaint speak for themselves.

98. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same. The terms of Exhibit V to Plaintiff's Amended Complaint speak for themselves.

99. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same. The terms of Exhibit V to Plaintiff's Amended Complaint speak for themselves.

100. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same. The terms of Exhibit V to Plaintiff's Amended Complaint speak for themselves.

101. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same. The terms of Exhibit W to Plaintiff's Amended Complaint speak for themselves.

102. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same. The terms of Exhibit W to Plaintiff's Amended Complaint speak for themselves.

103. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same. The terms of Exhibit W to Plaintiff's Amended Complaint speak for themselves.

104. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same. The terms of Exhibit W to Plaintiff's Amended Complaint speak for themselves.

105. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same. The terms of Exhibit W to Plaintiff's Amended Complaint speak for themselves.

106. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations

contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same. The terms of Exhibit W to Plaintiff's Amended Complaint speak for themselves.

107. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same. The terms of Exhibit G to Plaintiff's Amended Complaint speak for themselves.

108. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

109. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

110. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

111. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

112. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

113. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same.

114. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same. The terms of Exhibit X to Plaintiff's Amended Complaint speak for themselves.

115. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same. The terms of Exhibit X to Plaintiff's Amended Complaint speak for themselves.

116. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same. The terms of Exhibit X to Plaintiff's Amended Complaint speak for themselves.

117. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same. The terms of Exhibit X to Plaintiff's Amended Complaint speak for themselves.

118. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same. The terms of Exhibit X to Plaintiff's Amended Complaint speak for themselves.

119. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same. The terms of Exhibit X to Plaintiff's Amended Complaint speak for themselves.

120. Denied. The allegations in this paragraph are directed to another party and therefore no response is required. To the extent a response is required, Answering Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this Paragraph of Plaintiff's Amended Complaint, and therefore denies the same. The terms of Exhibit X to Plaintiff's Amended Complaint speak for themselves.

COUNT I (AS TO ALL DEFENDANTS)
VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

121. Answering Defendant repeats its responses to the allegations contained in paragraphs 1 through 120 above and incorporates them as if specifically set forth at length herein.

122. Denied. The allegations in this Paragraph, if any are denied as they call for a legal conclusion to which no response is required.

123. Denied. The allegations in this Paragraph, if any are denied as they call for a legal conclusion to which no response is required.

124. Denied. The allegations in this Paragraph, if any are denied as they call for a legal conclusion to which no response is required.

125. Denied. The allegations in this Paragraph, if any are denied as they call for a legal conclusion to which no response is required.

126. Admitted in part; denied in part. Answering Defendant admits that in certain instances, it may be considered a “debt collector” as that term is defined by 15 U.S.C. § 1692a(6). However, Answering Defendant lacks sufficient knowledge to admit or deny the allegation that it is a “debt collector” in the present case, and further states that this allegation calls for a legal conclusion regarding the definition of the cited statute. Therefore, Answering Defendant denies the same for the present time and demands strict proof thereof. The remaining allegations of this paragraph are directed to other parties and therefore no response is required. To the extent a response is required, the allegations in this Paragraph, if any are denied as they call for a legal conclusion to which no response is required.

127. Denied. The allegations in this Paragraph, if any are denied as they call for a legal conclusion to which no response is required.

128. Denied. The allegations in this Paragraph, if any are denied as they call for a legal conclusion to which no response is required.

129. Denied. The allegations in this Paragraph, if any are denied as they call for a legal conclusion to which no response is required.

130. Denied. The allegations in this Paragraph, if any are denied as they call for a legal conclusion to which no response is required.

131. Denied. The allegations in this Paragraph, if any are denied as they call for a legal conclusion to which no response is required.

132. Denied. The allegations in this Paragraph, if any are denied as they call for a legal conclusion to which no response is required.

COUNT 2 (AS TO ALL DEFENDANTS)
VIOLATIONS OF THE N.Y. GENERAL BUSINESS LAW § 349

133. Answering Defendant repeats its responses to the allegations contained in paragraphs 1 through 132 above and incorporates them as if specifically set forth at length herein.

134. Denied. The allegations in this Paragraph, if any are denied as they call for a legal conclusion to which no response is required.

135. Denied. The allegations in this Paragraph, if any are denied as they call for a legal conclusion to which no response is required.

136. Denied. The allegations in this Paragraph, if any are denied as they call for a legal conclusion to which no response is required.

137. Denied. The allegations in this Paragraph, if any are denied as they call for a legal conclusion to which no response is required.

138. Denied. The allegations in this Paragraph, if any are denied as they call for a legal conclusion to which no response is required.

139. Denied. The allegations in this Paragraph, if any are denied as they call for a legal conclusion to which no response is required.

140. Denied. The allegations in this Paragraph, if any are denied as they call for a legal conclusion to which no response is required.

141. Denied. The allegations in this Paragraph, if any are denied as they call for a legal conclusion to which no response is required.

142. Denied. The allegations in this Paragraph, if any are denied as they call for a legal conclusion to which no response is required.

143. Denied. The allegations in this Paragraph, if any are denied as they call for a legal conclusion to which no response is required.

JURY DEMAND

144. Admitted.

WHEREFORE, Answering Defendant requests that this Court dismiss Plaintiff's Amended Complaint in its entirety with prejudice, and award Answering Defendant its reasonable attorney's fees and costs incurred in defending this action. Answering Defendant further requests that this Court deny any other requested damages, fees, costs, other legal and equitable relief, and award such other relief as the Court deems just and equitable.

DEMAND FOR A JURY TRIAL

Defendant demands a trial by jury under Fed. R. Civ. P. 38 for all issues so triable.

AFFIRMATIVE DEFENSES

1. Plaintiff has failed to state a claim upon which relief can be granted.
2. Plaintiff's claims may be barred by the statute of limitations.
3. Any violation of law by Answering Defendant, which is specifically denied, was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.
4. Plaintiff failed to mitigate any damages which Plaintiff may have suffered.
5. Plaintiff has suffered no compensable damages.
6. Plaintiff has suffered no ascertainable loss of money or property.
7. Plaintiff has brought this action in an improper venue as Answering Defendant's alleged conduct did not occur in this District.
8. Answering Defendant respectfully reserves the right to assert any additional affirmative defenses that may be revealed during the course of discovery.

Respectfully Submitted:

KAUFMAN DOLOWICH & VOLUCK, LLP

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Dated: February 4, 2022

CERTIFICATE OF SERVICE

I, RICHARD J. PERR, ESQUIRE, hereby certify that on this date I served a true and correct copy of the foregoing electronically via the Court's CM/ECF system on the following:

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Dated: February 4, 2022